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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,835	02/09/2004	Yong Joo Kim	2080-3-227	1653
35884 7590 03/25/2009 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017			EXAMINER PESIN, BORIS M	
			ART UNIT 2174	PAPER NUMBER
			NOTIFICATION DATE 03/25/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ip.hlaw@live.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,835	<b>Applicant(s)</b> KIM, YONG JOO	
	<b>Examiner</b> BORIS PESIN	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed 11/14/2008.

Claims 1-6 and 8-14 are pending in this application. Claims 1, 13, and 24 are independent claims. In the amendment filed 11/14/2008, claim 6 was amended. This action is made Non-Final.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/14/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranagan et al. (US 6,154,771) in view of Bruckhaus (US 6,052,492).

In regards to claim 1, Ranagan teaches an editing apparatus using a thumbnail image, comprising: an image processing means for processing a broadcasting stream and an image signal to permit the processed broadcasting stream and image signal to be displayed (Se Abstract); a display means for displaying an image (Se Abstract); a storing means for storing the broadcasting stream and the thumbnail image (See Column 29 Lines 8-21); an image extracting means for extracting the thumbnail image from the broadcasting stream while the broadcasting stream is stored (See Abstract).

Ranagan does not specifically teach a control means for allowing a plurality of thumbnail images to be displayed on the display means according to a user's control command and such that the broadcasting stream represented by the thumbnail image can be edited. Bruckhaus teaches a control means for allowing a plurality of thumbnail images to be displayed on the display means according to a user's control command and such that the broadcasting stream represented by the thumbnail image can be edited (See Figure 8, Element 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ranagan with the teachings of Bruckhaus and include the ability to edit video clips with the motivation to provide the user greater flexibility with regards to what the user wishes to watch.

In regards to claim 2, Ranagan-Bruckhaus teach the editing apparatus of claim 1, wherein the thumbnail image is extracted at a predetermined time interval (Ranagan Column 27, Line 59 – Column 28 Line 3).

In regards to claim 3, Ranagan-Bruckhaus teach the editing apparatus of claim 1, wherein the thumbnail image is extracted at each scene change point. (Ranagan Column 27, Line 59 – Column 28 Line 3)

In regards to claim 4, Ranagan-Bruckhaus teach the editing apparatus of claim 1, wherein the thumbnail image is extracted by using histogram information on each frame of the broadcasting stream (See Ranagan Figure 12).

In regards to claim 5, Ranagan -Bruckhaus teach the editing apparatus of claim 1, wherein the editing of the broadcasting stream is performed by deleting, storing and moving the thumbnail image (See Bruckhaus Column 6, Lines 61-67).

Claim 6 is similar in scope to claim 1; therefore it is rejected under similar rationale.

Claim 8 is similar in scope to claim 2; therefore it is rejected under similar rationale.

Claim 9 is similar in scope to claim 4; therefore it is rejected under similar rationale.

Claim 10 is similar in scope to claim 3; therefore it is rejected under similar rationale.

Claim 11 is similar in scope to claim 5; therefore it is rejected under similar rationale.

In regards to claim 12, Ranagan-Bruckhaus teach the editing method of claim 6, wherein the editing of the broadcasting stream is performed concurrently with the editing of the thumbnail image. (See Bruckhaus Column 6, Line 61 – Column 7, Line 13).

In regards to claim 13, Ranagan-Bruckhaus teach the editing apparatus of claim 2, wherein the predetermined time interval is set by the user (See Ranagan claim 15).

Claim 14 is similar in scope to claim 13; therefore it is rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6 and 8-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris Pesin/  
Examiner, Art Unit 2174